

Councilor Jesse M. Adams Councilor Ryan R. O'Donnell Councilor Paul D. Spector Wendy Mazza, Citizen Lyn Simmons, Citizen

<u>City of Northampton</u> Ordinance Review Committee

MEETING MINUTES

Meeting Date: December 9, 2015

Time: 3:30 pm-4:30 pm

Location: City Hall Hearing Room

PERIODIC REVIEW OF ORDINANCES

Per City's Charter, Section 10-5: Not later than July 1, at 5-year intervals, in each year ending in a 5 or in a zero, beginning in 2015, the mayor and city council shall provide for a review to be made of some or all of the ordinances of the city to prepare a proposed revision or recodification of them. This review shall be made by a special committee to be established by ordinance. All members of the committee shall be voters of the city. The special committee shall file its report with the city clerk at a date specified by ordinance. The review of city ordinances shall be under the supervision of the city solicitor. Copies of any recommendations shall be made available to the public at a cost not to exceed the actual cost of the reproduction.

1. Meeting Called to Order, Roll Call

Councilor Adams called the meeting together at 3:30 pm. Present were City Councilors Jesse M. Adams (Chair), Ryan R. O'Donnell, Paul D. Spector, and representing the citizens of Northampton, Wendy Mazza and Lyn Simmons. City Solicitor Alan Seewald was present to oversee the process.

2. Approve Minutes of the Previous Meeting (Nov. 24, 2015)

Ms. Mazza made a motion to accept the minutes of November 24, 2015 meeting; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 5 Yes, 0 No.

3. Discuss status of Code Book Review-Solicitor Seewald

Attorney Seewald indicated that he made a full review of the city's code book. His review resulted in four broad categories as follows:

a. <u>Chapter 174 that deals with city fees</u>; In 2011 the city adopted c. 40 s. 22F of M.G.L. As a result, the fees can now be taken out of the code book and adopted into each department's procedures. Until this happens, the amount charged for each service, as outlined in the code book, would remain in effect.

- b. Atty. Seewald suggested that this is something that the city council could do immediately. Also, references to c. 174 in other sections of the code book can be extracted as necessary.
- c. Name correction to departments and boards; with the administrative code changes that were made, a number of references to various city agencies were not updated. Atty. Seewald suggested that a global search of names on the website would identify most, if not all of the concerns. Ms. Simmons volunteered to take on this task.
- d. <u>Miscellaneous Items</u>: This list includes a list of items with various reasons to extract from the code book. These include:
 - an ordinance calling for the city to regulate Housing Authority property;
 - an ordinance regulating hawkers and peddlers;
 - an ordinance specifying "zones of quiet";
 - subdivision rules and regulations of the Planning Board; etc.

There are other ordinances that tell departments what to do and how to do it; some can be easily eliminated, however, some items will need more discussion.

There are also sections of the code that describe an appeals process involving the City Council. Atty. Seewald suggested that the appeals process should involve the Mayor's Office, not the City Council. Alternatively, a denial of a municipal decision could go directly to court.

Chapter 316 (vehicles for hire) needs revamping and this committee's report should reflect this need.

Atty. Seewald suggested that the ordinances as they exist currently will remain in effect until they are repealed.

e. The Final List includes many items that will require further discussion, or that may require extended time to revise. Included in this list are duties performed by the DPW. With a change of leadership happening in the very near future, the department is in a state of flux. The issues also include ordinance language that describes the TPC being more than an advisory committee. This is contrary to what is written in the administrative code.

The committee discussed how to move forward; members acknowledged that such an extensive re-vamping will require input from the various departments who will be responsible for writing and maintaining procedures to replace those ordinances that will be repealed.

Councilor Spector suggested that the committee address the list in stages: those that fell into the category of "general agreement" might be addressed immediately. Others that required further discussion or understanding could be handled later. A final group might be handled after discussions with the affected departments, or might need further discussion on the Council Floor.

- 4. Discuss any other recommendation by Committee Members
 - A. The committee discussed the reporting requirements and timing. A full report from the Committee needs to be given to the City Clerk by December 31st. After the report is written, the existing committee might continue to work on the items, or a new select committee could be established.
 - B. Councilor O'Donnell asked whether an accountability or appeal mechanism can be established by the Council.

C. Ms. Mazza suggested that the fees need to be visible to the general public. Atty. Seewald indicated that fees cannot be excessive, and can only cover the administrative cost of providing the service. Beyond a reasonable fee, it is a tax and is not legal. Atty. Seewald suggested that if someone had a problem with a fee, they should appeal to the Mayor. He does not see the role of the council to overrule the decision by the Executive Branch. Atty. Seewald suggested that the process might involve the Mayor signing off on fee adjustments. This could be spelled out in the Administrative Order. Ms. Simmons suggested that the fee schedule could be tied to the budget process. Perhaps Council review can be defined when the amount of a fee increase exceeds a certain threshold.

5. Next Step

Atty. Seewald will follow up to find out what bullet point # 6 means on the Division of Local Services communication that was distributed in 2011.

Atty. Seewald will draft a recommendation outline that the committee will review at its next meeting.

6. Adjourn

Councilor Spector moved to adjourn the meeting at 4:30pm; Ms. Mazza seconded the motion. The motion was approve on a voice vote of 5 Yes, 0 No.

The next meeting is scheduled for Dec. 17, 2015, 4-5 p.m. in City Council Chambers

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